

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:06-CR-0133 HTW JCS

FRANKLIN OBERTO

ORDER OF DISMISSAL WITHOUT PREJUDICE ON SPEEDY TRIAL GROUNDS

THIS CAUSE is before the Court on the motion of the defendant to dismiss based upon speedy trial grounds. The government opposed the motion but now admits that there was a violation of the provision of the Speedy Trial Act, 18 U.S.C. §3161(c), which governs the time within which trial must commence following indictment. The Court, having considered the motion of the defendant and the admission of the government in this regard, finds that the motion should be granted and that the case should be dismissed without prejudice. Because this issue is dispositive, defendant's other arguments are rendered moot.

IT IS THEREFORE ORDERED, that the defendant's motion to dismiss on speedy trial grounds is hereby granted on the basis set forth herein, and the case is hereby dismissed without prejudice.

SO ORDERED, this the 31st day of October, 2007.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE